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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,578	04/13/2007	Giuseppe Diomelli	P39355-01	8282
42212 7590 04/02/2010 PANASONIC PATENT CENTER 1130 CONNECTICUT AVENUE NW, SUITE 1100 WASHINGTON, DC 20036				
EXAMINER NGUYEN, HUY THANH				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 04/02/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/588,578

Applicant(s)

DIOMELETTI ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-11 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-11 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 1/13/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-5 direct to information on a medium . Since the information are not computer instructions or software programs are used for controlling reading the information to perform different functions or applications , or data structure by which the data are interacted and linked to each other to perform a structural function , the information themselves do not make them the statutory .). See MPEP 2100.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 19 are rejected under 35 U.S.C. 102 (e as being anticipated by Kim (20070025696 A1).

Regarding claims 1 and 19, Kim discloses a medium (Figs. 2,4, 9-10, paragraphs 0088, 0094, 0098, 0104) with a trick play, the recording medium having playlist information (file management) recorded thereon, wherein the playlist information defines a playback section of each of a plurality of digital streams, and includes main-path information and sub-path information e (Figs. 4, 9A) 13-15,32) paragraphs 0094,0104, the main-path information designates one of the digital streams as a main stream, and defines a portion of the main stream as a primary playback section, the sub-path information designates another one of the digital streams as a substream, and defines a portion of the substream as a secondary playback section that is to be synchronously played back with the primary playback section (0094-0104, Figs. 9B-9C), the recording medium further has recorded thereon the one of the plurality of digital streams designated as the sub stream, together with an entry map (table), and the entry map indicates a plurality of entry points on the sub stream in one-to-one correspondence with a plurality of entry times on a timeline of the sub stream (Figs. 9-10).

Kim further teaches the medium further comprising synchronization information (0088, 0098).

Regarding claims 2 and 3, Kim teaches start time and end time for playback sections and first type entry and a second type entry) (Figs 9-10).

Regarding claims 4 and 5 , Kim further teaches decoders for decoding audio and video of main stream and substream and graphic decoder (text decoder) (Figs. 4, 9A- 10).

5. Claims 1-3, 8-9 and 16-19 are rejected under 35 U.S.C. 102 (e) as being anticipated by Cho et al (7542656).

Regarding claims 1, 8 and 19, Cho discloses playback device for playback information on a medium with a trick play , the recording medium having playlist information (file management)recorded thereon, wherein the playlist information defines a playback section of each of a plurality of digital streams, and includes main-path information (first channel stream) and sub-path information (second channel stream) (column 3, lines 40-65),(Figs. 2,3,8,9), the main-path information (PGI, Ch 1) designates one of the digital streams as a main stream, and defines a portion (cell) of the main stream as a primary playback section, the sub-path information (PGI , Ch 2) designates another one of the digital streams as a substream, and defines a portion (cell) of the substream as a secondary playback section that is to be synchronously played back with the primary playback section (Figs. 9-11, column 5, line 43 to column 6, line 55), when a HOB reproduction is selected, a plurality if substreams of a plurality of channels are reproduced , therefore the substreams and main stream are synchronized by synchronization information (column 5, lines 40-60), the recording medium further has recorded thereon the one of the plurality of digital streams designated as the substream, together with an entry map,

and

the entry map indicates a plurality of entry points on the substream in one-to-one correspondence with a plurality of entry times on a timeline of the substream (Figs. 4-7, column 4).

Further for claim 8, Cho teaches using addresses for reproducing the primary data and secondary data (Fig. 7) reproducing the main stream and substream

Method claims 16 and 17 correspond to apparatus claim 8. Therefore method claims 16 and 17 are rejected by the same reason as applied to apparatus claim 1.

Further for claim 16, Cho teaches a program used with a computer since the operations of recording and reproducing the information on the medium are controlled by a computer.

Regarding claims 2 and 3, Cho teaches start time and end time for playback sections and first type entry and a second type entry) (Figs 9-10).

Regarding claim 9, Cho teaches entry map type and address conversion (Figs. 4, 7)

Regarding claim 18, Cho teaches playlist information and the synchronization of the playback main stream and substream (Figs. 9-11, column 5, line 43 to column 6, line 55).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8-11 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al in view of Fukushima (5596564).

Regarding claim 8, Kim discloses a medium (Figs. 2,4, 9-10, paragraphs 0088, 0094, 0098, 0104) with a trick play, the recording medium having playlist information (file management) recorded thereon, wherein the playlist information defines a playback section of each of a plurality of digital streams, and includes main-path information and sub-path information e (Figs. 4, 9A) 13-15,32) paragraphs 0094,0104, the main-path information designates one of the digital streams as a main stream, and defines a portion of the main stream as a primary playback section, the sub-path information designates another one of the digital streams as a substream,

and defines a portion of the substream as a secondary playback section that is to be synchronously played back with the primary playback section (0094-0104, Figs. 9B-9C), the recording medium further has recorded thereon the one of the plurality of digital streams designated as the sub stream, together with an entry map (table) , and the entry map indicates a plurality of entry points on the sub stream in one-to-one correspondence with a plurality of entry times on a timeline of the sub stream (Figs. 9-10).

Kim further teaches that the medium comprises synchronization information (0088, 0098, Fig. 9A).

Kim fails to teach using a conversion means for converting a pointer to an address.

Fukushima teaches a conversion unit is operable to use the entry map associated with the substream to perform the conversion into the corresponding address on the substream (Figs 2-3, column 11, lines 41-43, column 17, lines 1-15).

It would have been obvious to one of ordinary skill in the art to modify Kim with Fukushima by using a conversion means as taught by Fukushima for converting the map table to corresponding addresses thereby accurately accessing the data of the streams.

Method claims 16 and 17 correspond to apparatus claim 8. Therefore method claims 16 and 17 are rejected by the same reason as applied to apparatus claim 1.

Further for claim 16, Kim teaches a program used with a computer since the operations of recording and reproducing the information on the medium are controlled by a computer.

Regarding claim 9, Kim as modified with Fukushima teaches an entry map type (See Kim Figs. 9A- 10) and address conversion (Fukushima (Figs. 2-3, column 17, lines 1-15).

Regarding claims 10 and 11, Kim further teaches decoders for decoding audio and video of main stream and substream and graphic decoder (text decoder) (Figs. 4, 9A, 10).

Regarding claim 18, Kim teaches playlist information and the synchronization of the playback main stream and substream (Fig. 9).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621

